

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YUSUF MUHAMMAD,

No. 4:23cv212

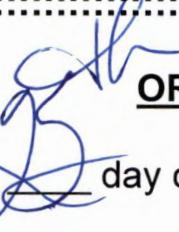
Plaintiff

(Judge Munley)

v.

S. BROWN, et al.,

Defendants


ORDER

AND NOW, to wit, this 25 day of July 2024, upon consideration of defendants' motion (Doc. 62) to partially dismiss the second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and the parties' respective briefs in support of and in opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

1. The motion (Doc. 62) is **GRANTED**.
2. The claims against defendants Brown, Gilbert, Lewis, Spry, and Morcom are **DISMISSED**. The Clerk of Court is directed to **TERMINATE** Correctional Officer Brown, Correctional Officer Gilbert, Correctional Officer Lewis, Correctional Officer Spry, and Sergeant Morcom as defendants in this action.
3. The portion of the motion seeking dismissal pursuant to 42 U.S.C. § 1997(e) is **GRANTED** inasmuch as plaintiff's recovery on the remaining First Amendment claim, if any, will be limited to nominal and/or punitive damages and injunctive relief. Any award of compensatory damages is barred and this request for relief is

STRICKEN from the second amended complaint. (Doc. 57, at 3 ¶ 11).

4. This action **SHALL PROCEED** on the First Amendment retaliation claim against defendant Kelley.
5. Defendant Kelley **SHALL FILE** an answer or appropriate pretrial motion on or before August 6, 2024.
6. Any appeal from this order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Court